

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN BILL THOMAS**, on February 14, 2003 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Bill Thomas, Chairman (R)
Rep. Arlene Becker, Vice Chairman (D)
Rep. Mark Noennig, Vice Chairman (R)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Ray Hawk (R)
Rep. Daniel S. Hurwitz (R)
Rep. Larry Jent (D)
Rep. Penny Morgan (R)
Rep. Holly Raser (D)
Rep. Don Roberts (R)
Rep. Ron Stoker (R)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
CJ Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp for these minutes appears at the end of the content it refers to.

Committee Business Summary:

Hearing & Date Posted: HB 557, HB 524, HB 493, 2/7/2003
Executive Action: HB 90-Do Pass As Amended

HEARING ON HB 493

Sponsor: REP. GARY BRANAE, HD 17, Billings, Montana

Opening Statement by Sponsor:

REP. BRANAE opened the hearing on HB 493 by stating to the Committee that this bill will clarify existing statute.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.8}

Proponents' Testimony:

Kathy Kenyon, Deaconess Billings Clinic, rose in support of HB 493 and proceeded to explain to the Committee members that this bill will amend the Montana Professional Employers' Organization and Licensing Act or PEO Act of 1995. Ms. Kenyon continued to testify as to the specifics that this bill would identify.

{Tape: 1; Side: A; Approx. Time Counter: 2.8 - 4.5}

Jim Aarons, Montana Hospital Association, rose in support of HB 493.

{Tape: 1; Side: A; Approx. Time Counter: 4.5 - 6.3}

Jani McCall, St. Vincent's Hospital, St. James and Holy Rosary Hospitals, rose in support of HB 493.

{Tape: 1; Side: A; Approx. Time Counter: 6.3 - 7.9}

Opponents' Testimony: None

Informational Testimony:

Kevin Braun, State of Montana, Department of Labor and Industry, informed the Committee members that the Department of Labor and Industry administers the PEO Act and Mr. Braun would be able to answer any questions the Committee may have.

{Tape: 1; Side: A; Approx. Time Counter: 7.9 - 8.4}

Questions from Committee Members and Responses:

REP. NOENNIG question Mr. Braun regarding the PEO Act, worker's compensation and what is included or excluded within this bill.

{Tape: 1; Side: A; Approx. Time Counter: 8.4 - 11.4}

Closing by Sponsor:

REP. BRANAE closed the hearing on HB 493.

{Tape: 1; Side: A; Approx. Time Counter: 11.4 - 12.3}

HEARING ON HB 557

Sponsor: REP. JOAN ANDERSEN, HD 23, Fromberg, Montana

Opening Statement by Sponsor:

REP. ANDERSEN opened the hearing on HB 557 by stating to the Committee that this bill will do exactly what the title says; it revises the provisions relating to anatomical gifts providing for development of an organ registry system from the Department of Justice to Federally designated Organ Procurement agency.

REP. ANDERSEN then explained to the Committee the new sections in the bill.

{Tape: 1; Side: A; Approx. Time Counter: 12.3 - 15.2}

Proponents' Testimony:

Tim Reardon, spoke to the Committee about his own personal story regarding a liver transplant.

{Tape: 1; Side: A; Approx. Time Counter: 15.2 - 17.2}

Patti Johnston, reiterated the statements made by Mr. Reardon. Ms. Johnston stated that currently 25 other states have this statute in place.

{Tape: 1; Side: A; Approx. Time Counter: 17.2 - 19.2}

Anita Pisarsky, informed the Committee of her own personal story of organ donation by her mother and brother.

{Tape: 1; Side: A; Approx. Time Counter: 19.2 - 21.9}

Jean Branscum, Governor's Office, rose in support of HB 557 and informed the Committee of the story of Governor Martz donating an organ to her sister.

{Tape: 1; Side: A; Approx. Time Counter: 21.9 - 22}

Tammy Butler, Montana Nurses Association, rose in support of HB 557.

{Tape: 1; Side: A; Approx. Time Counter: 22 - 23.8}

Paul Buck, Northwest Lions Eye Bank, rose in support of HB 557 and spoke to the Committee regarding reasons why family members do not donate their organs.

{Tape: 1; Side: A; Approx. Time Counter: 23.8 - 26.7}

Anita Oppedahl, State of Montana, Department of Motor Vehicle, rose in support of HB 557 and spoke of this Department's role in organ donation.

{Tape: 1; Side: A; Approx. Time Counter: 26.7 - 28.5}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. ROBERTS, FACEY, STOKER, BECKER, and HURWITZ questioned the sponsor, Ms. Oppedahl, Ms. Johnston, and Mr. Buck as to the recovery of costs; i.e., reimbursements, whether a donor is reimbursed for donation, medicaid/medicare payments and the driver's license endorsement.

{Tape: 1; Side: A; Approx. Time Counter: 28.5 - 30}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 12.4}

Closing by Sponsor:

REP. ANDERSEN closed the hearing on HB 557.

{Tape: 1; Side: B; Approx. Time Counter: 12.4 - 13.2}

HEARING ON HB 524

Sponsor: **REP. SCOTT MENDENHALL, HD 39, Cardwell, Montana**

Opening Statement by Sponsor:

REP. MENDENHALL opened the hearing on HB 524 by explaining what this bill will accomplish regarding licensure of outdoor behavioral programs in the State of Montana. Within his

testimony, **REP. MENDENHALL** spoke of the approximately 27 unidentified youth homes in Montana. He also spoke of the deaths that have occurred, the cost for these camps versus the cost of incarceration at correctional facilities, and the success of some programs.

{Tape: 1; Side: B; Approx. Time Counter: 13.2 - 20.8}

Proponents' Testimony:

Rayelynn Connole, Alternative Youth Advisory Council, rose in support of HB 524. She spoke of the three deaths that have occurred within the United States at youth camps. Montana has not experienced any tragedies such as those. Ms. Connole stated that wilderness therapy is not the same as the "boot camp" type of therapy and gave examples of the differences.

EXHIBIT (huh33a01)

EXHIBIT (huh33a02)

EXHIBIT (huh33a03)

EXHIBIT (huh33a04)

{Tape: 1; Side: B; Approx. Time Counter: 20.8 - 30}

John Madsen, Alternative Youth Adventures, rose in support of HB 524 and stated to the Committee that he is a counselor with Alternative Youth Adventures and a juvenile parole officer with the Department of Corrections. He encouraged support of this bill.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 6}

Al Davis, Mental Health Association of Montana, rose in support of HB 524 and referred to the national studies of children and the lack of social services to help them. Mr. Davis also related to the Committee his own experience in working with children through Child and Family Services in 1992.

{Tape: 2; Side: A; Approx. Time Counter: 6 - 8.3}

Jani McCall, Montana Children's Initiative, spoke to the Committee regarding the safety and quality of care given to children.

{Tape: 2; Side: A; Approx. Time Counter: 8.3 - 9.5}

Joe Roberts, Intermountain Children's Home, Yellowstone Boys and Girls Ranch, rose in support of HB 524 and stated that he shared

a strong belief that all youth treatment homes in Montana should be licensed and regulated.

{Tape: 2; Side: A; Approx. Time Counter: 9.5 - 11.1}

Tom Lythgoe, Jefferson County Commissioner, spoke in support of HB 524 and the Alternative Youth Adventure program in Boulder.

EXHIBIT (huh33a05)

{Tape: 2; Side: A; Approx. Time Counter: 11.1 - 16}

Kim Gardner, Alternative Youth Adventures, spoke in support of HB 524 and explained to the Committee the services that this organization provides and that previously the Department of Corrections was the regulator of these types of services.

EXHIBIT (huh33a06)

{Tape: 2; Side: A; Approx. Time Counter: 16 - 20.7}

Opponents' Testimony: None

Informational Testimony:

REP. PAUL CLARK, HD 72, spoke as an informational witness and proceeded to inform the Committee members of his own business; "Galena Ridge," a youth treatment facility. He further spoke about the other programs in his district, the realities of regulation, the fact that they are licensed but not regulated and the reality that they are sometimes treated as "second-class" citizens in discussions with other programs in the State who are regulated.

{Tape: 2; Side: A; Approx. Time Counter: 20.7 - 30}

{Tape: 2; Side: B; Approx. Time Counter: 0 - 2.1}

Questions from Committee Members and Responses:

REPS. STOKER, FACEY, HURWITZ, MORGAN, BECKER, extensively questioned the Sponsor, **REP. CLARK**, **Ms. Gardner**, **Mary Dalton**, **Blue Cross**, **Roy Kemp**, **State of Montana**, **Department of Health and Human Services**. Among the questions asked were the differences in the various programs, where referrals come from and the method of payment, accreditation, and if there is a mental health component that needs to be addressed by a licensed professional. In additional questioning, the areas of payment, state funding, licensing, recidivism rates and liability issues.

{Tape: 2; Side: B; Approx. Time Counter: 2.1 - 30}

{Tape: 3; Side: A; Approx. Time Counter: 0 - 2.6}

Closing by Sponsor:

REP. MENDENHALL closed the hearing on HB 524. In his closing statements, the sponsor spoke of state funding, the fiscal note and it's ramifications and that those costs could be absorbed through DPHHS, and some amendments that may be added to the bill.

EXHIBIT (huh33a07)

{Tape: 3; Side: A; Approx. Time Counter: 2.6 - 5.6}

EXECUTIVE ACTION ON HB 90

Motion: REP. GALLUS moved that HB 90 DO PASS.

Discussion:

Ms. Fox, Legislative staffer, distributed an amendment.

Motion: REP. GALLUS moved that HB 90 BE AMENDED.

Discussion:

REPS. RASER, NOENNIG, FACEY, and HURWITZ queried Ms. Fox, Shirley Brown, DPHHS, about this amendment.

Vote: Motion that HB 90 BE AMENDED carried unanimously. (voice vote)

Motion: REP. RASER moved that HB 90 DO PASS AS AMENDED.

Discussion:

REPS. MORGAN, BECKER, HURWITZ, GALLUS, ROBERTS, FACEY, and WINDY-BOY discussed the bill with REP. NOENNIG making an additional amendment to delete Section 6.

Motion: REP. NOENNIG moved that HB 90 BE AMENDED.

Discussion:

REPS. NOENNIG, ROBERTS, and STOKER discussed REP. NOENNIG's amendment.

Vote: Motion that HB 90 BE AMENDED failed 1-10 with REP. NOENNIG voting aye. (voice vote-with Chairman Thomas did not identify the other aye votes. REP. NOENNIG was audible with his aye vote.)

Motion/Vote: REP. GALLUS moved that HB 90 DO PASS AS AMENDED. Motion carried 10-3 with REPS. HAWK, MORGAN, and STOKER voting no. (roll call vote)

{Tape: 3; Side: A; Approx. Time Counter: 5.6 - 22.1}

There was discussion among the Committee members to do Executive Action on HB 484; with the amendments distributed by Ms. Fox. It was decided after an explanation by Ms. Fox, to delay Executive Action on HB 484.

EXHIBIT (huh33a08)

{Tape: 3; Side: A; Approx. Time Counter: 22.1 - 24.9}

ADJOURNMENT

Adjournment: 5:45 P.M.

REP. BILL THOMAS, Chairman

CJ JOHNSON, Secretary

BT/CJ

EXHIBIT (huh33aad)